

# TWENTY-SEVENTH DAY

(Thursday, February 27, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

Absent—Excused

Metcalfe	Winfield
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leaves of Absence Granted

Senator Winfield was granted leave of absence for today on account of important business, on motion of Senator Moore.

Senator Metcalfe was granted leave of absence for today on account of important business, on motion of Senator Lanning.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

## Reports of Standing Committees

Senator Brownlee submitted the following report:

Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 20, A bill to be entitled "An Act providing for licensing of

operators, commercial operators, and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators', and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; . . . etc.; declaring an emergency and providing the Act shall take effect from and after its passage."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that such bill do pass with amendments, and be printed.

BROWNLEE, Chairman.

Senator Smith submitted the following report:

Committee Room,  
Austin, Texas,  
February 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 88, A bill to be entitled "An Act providing a special fishing license for those who fish in the waters of Lake Worth and Eagle Mountain Lake, or either of them; providing for deposit of funds from the sale of such licenses and of any funds collected as fees or penalties for violations of this Act in the Lake Worth-Eagle Mountain Lake Fund; providing the uses of such fund and regulations controlling same; providing for the appointment of a Lake Worth-Eagle Mountain Lake Advisory Board and prescribing the manner of its appointment and its duties; providing a penalty for violation of any provision of this Act; repealing all laws, in so far as they conflict with this Act; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

SMITH, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 251, A bill to be entitled "An Act making an appropriation for the use of the San Antonio River Canal and Conservancy District; providing manner for signing warrants; providing that any unexpended balance on August 31, 1943, be repaid to the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 271, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Sulak:

S. B. No. 189, A bill to be entitled "An Act to amend Title 12, Chapter

1, Article 700b, Acts of the Forty-sixth Legislature, 1939, [relative to sterilization of dishes, utensils, etc.]; and declaring an emergency."

To Committee on Public Health.

By Senator Smith:

S. B. No. 190, A bill to be entitled "An Act providing a unified, comprehensive code of procedure for financial administration, including financial planning and budgeting, accounting and financial control, current auditing of receivables and receipts and preauditing of expenditures, purchasing and property control, and management of general government buildings; creating a Governor's Cabinet, a Department of Finance and Control, a Commissioner of Finance and Control, a Director of the Budget, a Director of Purchasing, a Division of Accounting, and prescribing their powers and duties, a Classified Civil Service based upon the merit system for Personnel Administration, an Advisory Personnel Council; prescribing methods of procedures for personnel administration, and creating an Auditor of State, a Commissioner of Institutions, and prescribing their powers and duties; making transfers of functions from existing officers and other agencies to the agencies so created; abolishing certain agencies; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, repealing all laws and parts of laws in conflict herewith, prescribing penalties for violations of provisions of this Act; and declaring an emergency at the time of going into effect."

To Committee on State Affairs.

By Senator Beck:

S. B. No. 191, A bill to be entitled "An Act authorizing trustees of independent school districts to order an election to vote refunding bonds for the purpose of buying in bonds which have been previously issued without option of prior redemption and prescribing the method of holding such election; providing that as a prerequisite to ordering such election said trustees shall first obtain an option to purchase said outstanding bonds from the owners, at a stipulated price; providing that in no case shall the price paid for such bonds exceed thirteen (13%) per cent above par value; providing that the quali-

fied voters be fully informed through notices and publications as herein provided; providing that it must appear that such refunding will result in a money saving to the school district; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Ramsey:

S. B. No. 192, A bill to be entitled "An Act declaring the drouths, floods and stream pollution in the Neches River Valley to be a public calamity; donating and granting, by the State of Texas to the Sabine-Neches Conservation District, a state agency, for a period of ten (10) years, fifty (50%) per cent of all the State ad valorem taxes collected in Anderson, Cherokee, Henderson and Smith Counties for general revenue purposes and providing the uses to which such taxes, when do donated and granted, may be put; specifying the reports to be made upon such taxes by the assessor and collector of taxes; providing that the Board of Directors of the Sabine-Neches Conservation District may negotiate and deal or contract with the United States of America or with any of its governmental agencies, and others, for grants, loans and allotments, and may pledge the funds herein donated and granted by the State in payment of any loan, or the payment of the District's obligations under any contract or agreement; providing for the issuance of bonds secured by a pledge of the funds herein donated and granted and prescribing the manner of issuance and form thereof; providing for the repayment to the general revenue fund of this State the funds herein donated and granted; providing that if any portion of this Act shall be held invalid, the other provisions shall not be affected; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Brownlee:

S. B. No. 193, A bill to be entitled "An Act amending S. B. No. 6 of the Regular Session of the Forty-second Legislature [relating to salaries of assistant district attorneys in certain counties]; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Brownlee (by request):

S. B. No. 194, A bill to be entitled "An Act to relinquish, quitclaim and grant unto all incorporated cities and towns which have a population of forty thousand (40,000) inhabitants or more, according to the 1940 Federal Census, all of the beds and channels and also all of the abandoned beds and channels of all rivers, streams and other channels, which are now or which may hereafter be within the present or future corporate limits of such incorporated cities and towns insofar as the beds and channels and such abandoned channels of such rivers, streams and other channels may be owned or claimed as the property of the State of Texas; providing that this Act shall not extend to or include any law suits or litigation now filed or now pending in the trial court or on appeal from the trial court, and providing that the rights of the parties in such suits now pending, or on appeal from the trial court, shall be determined by the law existing prior to the passage of this Act; repealing all laws or parts of laws in conflict with the provisions of this Act and expressly repealing Chapter 155, Acts 1925, Thirty-ninth Legislature, known as Article 7467a, Vernon's Revised Civil Statutes; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Chadick:

S. B. No. 195, A bill to be entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to limit the length of freight trains; and providing a penalty for the violation of this Act; and declaring an emergency."

To Committee on Labor.

By Senator Van Zandt (by request):

S. B. No. 196, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off as worthless and uncollectible Two Hundred Ninety-five Thousand Eight Hundred (\$295,800) Dollars in bonds issued by the Houston Tap and Brazoria Railway Company, which are held by the Treasurer in the account of the Permanent Free School Fund together with all claims and charges for or on account of interest thereon; directing

that the bonds when canceled shall be given into the custody of the State Librarian; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Van Zandt (by request):

S. B. No. 197, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off certain bonds issued in the name of the Houston and Texas Central Railway Company and the Washington County Railroad Company and certain bonds issued by the Buffalo Bayou, Brazos and Colorado Railway Company which were assumed by the Gulf, Harrisburg and San Antonio Railway Company; directing that such bonds when canceled shall be delivered to the companies which were obligated for their payment; authorizing and directing the transfer of certain sums from the Available School Fund to the State Permanent School Fund for the purpose of adjusting the accounts between said funds upon transactions relating to said bonds; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Shivers:

S. B. No. 198, A bill to be entitled "An Act to amend Article 4522 of the Revised Civil Statutes of Texas, providing for the use of letters 'R.N.' and providing for the establishing and operation of Registration Bureaus by registered nurses."

To Committee on Public Health.

By Senator Shivers:

S. B. No. 199, A bill to be entitled "An Act amending Article 923rr of the Penal Code of the State of Texas; so that it shall be unlawful for any person, at any time, to set a trap for or trap or kill any muskrat upon any land of another or be in possession of a muskrat or the hide of such animal taken from such land, without the consent of the owner or lessee of such land to trap thereon; providing that such person may in relief against this provision show a rightful, legal possession of such muskrat or the hide of such animal; specifying a penalty; and declaring an emergency."

To Committee on Game and Fish.

By Senator Smith:

S. B. No. 200, A bill to be entitled "An Act repealing Article 1731a of the Revised Civil Statutes of Texas, the same being H. B. No. 108, Chapter 25, page 201, Acts of the Forty-sixth Legislature, Regular Session [relating to practice and procedure]; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Graves:

S. B. No. 201, A bill to be entitled "An Act providing for a merit system of personnel administration for the State Department of Health of the State of Texas; defining terms; providing for the organization of a division of merit system, for a merit system advisory council and its duties and the compensation of its members, for a merit system supervisor and personnel officer and the duties of each; prescribing the employees to which the system shall apply and exemption therefrom; prohibiting discrimination and political activity; providing for a classification plan, the allocation of positions, and a compensation plan; providing for the application of the merit system to prevent employees and for the recruitment and appointment of new personnel; providing for examinations for entrance to the service, the character of examination, the conduct of examination, the scope of examination, notice of results, examination records and special examinations; providing for a register of eligible individuals for various positions and for the disqualification of those upon the eligible list; providing for provisional appointment, emergency appointment, for intermittent and temporary appointment; providing for the probationary period and permanent appointment; providing for promotion in the merit system, the method; providing for transfers and demotions, for furloughs and separations, for appeal from dismissal, suspension, or demotion; providing for service ratings, personnel records, and for amendments to the rules of the merit system; repealing all laws in conflict; and providing that if any provision of the Act is held invalid for any reason it shall not affect the validity of the remaining provisions."

To Committee on State Affairs.

By Senator Graves:

S. B. No. 202, A bill to be entitled "An Act providing for a compensation

plan for determining salaries of positions in the State Department of Health of the State of Texas; defining terms; providing the State Health Officer with the authority to place in effect such compensation plan; providing a formula as a basis of salary calculation; prescribing the method of calculation of salaries; defining the scope of the application of the compensation plan; providing for a salary range for each position; providing annual salary increments based upon quality of service; providing for salary adjustments in demotion or promotions; limiting the application of the plan of compensation to the total personnel and total funds made available to the State Department of Health by the Legislature of the State of Texas; providing that if any provision of this Act is held invalid for any reason whatsoever it shall not affect the validity of the remaining provisions of this Act; and repealing all laws in conflict with this Act."

To Committee on State Affairs.

By Senator Spears, Hazlewood, Shivers, Stone and Kelley:

S. B. No. 203, A bill to be entitled "An Act amending Article 1583, Chapter 6, Title 18, of the Penal Code of Texas, 1925, as amended by Chapter 139, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 173, Acts of the Regular Session of the Forty-fifth Legislature, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand (25,000) inhabitants and in cities of more than thirty thousand (30,000) inhabitants; fixing the hours that shall constitute a legal day's work in fire and police departments in cities of more than forty thousand (40,000) population; providing that not more than seventy-two (72) hours shall constitute the calendar week's work, and that no person shall work more than one hundred, forty-four (144) hours in any two (2) consecutive calendar weeks in cities of more than forty thousand (40,000) population; providing for emergency pay in cities of more than forty thousand (40,000) population; providing for a minimum wage scale in cities of more than forty thousand (40,000) population providing that each violation shall constitute a separate offense; providing penalty for the violation of the

provisions of this Article; and declaring an emergency."

To Committee on State Affairs.

By Senator Fain:

S. B. No. 204, A bill to be entitled "An Act to repeal Chapter 10, Acts Fourth Called Session of the Forty-first Legislature, as amended by Chapter 202, Regular Session Forty-second Legislature, declaring the open season for killing wild turkeys in any county composing the 3rd, 5th and 14th Senatorial Districts, and in counties having a population of over three hundred fifty thousand (350,000) according to the 1930 Federal Census, or any other census taken thereafter, to be during the months of March and April; and declaring an emergency."

To Committee on Game and Fish.

By Senator Fain:

S. B. No. 205, A bill to be entitled "An Act declaring that any prisoner who escapes from the Texas penitentiary or from any of the prison farms of the Texas Prison System shall be guilty of a felony; prescribing penalties necessary and incident thereto; and declaring an emergency."

To Committee on Penitentiaries.

By Senator Fain:

S. B. No. 206, A bill to be entitled "An Act making it unlawful for convicts to mutilate themselves; defining the offense and prescribing penalties necessary and incident thereto; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Fain:

S. B. No. 207, A bill to be entitled "An Act requiring tax supported institutions and agencies of the State to buy from the prison system all needed goods that the prison system can supply at not less than competitive prices; and declaring an emergency."

To Committee on Penitentiaries.

By Senator Stone:

S. B. No. 208, A bill to be entitled "An Act designating this Act as the 'Anti-Loss Leader Act'; defining 'cost to the retailer'; providing for a mark-up to cover cartage costs of not less than three-fourth ( $\frac{3}{4}$ ) of one per cent together with a mark-up of not less than six (6%) per cent to cover a proportionate part of cost of doing

business, by the retailer; providing for a mark-up of not less than three-fourths ( $\frac{3}{4}$ ) of one per cent to cover cartage costs by the wholesaler and defining the term 'cost to the wholesaler'; defining the term 'replacement costs'; providing limitations under which one or more items shall be advertised, offered for sale, or sold with one or more other items; determining 'bona fide costs' and limiting the method of determining cost to the retailer and cost to the wholesaler; defining the terms 'sell at retail,' 'sales at retail,' and 'retail sale,' and defining the terms 'sell at wholesale,' 'sales at wholesale,' and 'wholesale sales'; defining the term 'retailer' and the term 'wholesaler'; providing that proposals to sell merchandise 'at less than cost' either by retailers or wholesalers with certain objectives of effects and results is contrary to public policy and contrary to this Act; providing a fine of not less than Two Hundred (\$200.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, upon conviction as misdemeanor for violation of this Act; vesting jurisdiction in the several State courts to hear cases arising under this Act and directing the attorney general, district attorneys and county attorneys to prevent and restrain violations under this Act, and providing for injunctive relief to persons damaged, or threatened with loss or injury by violation of this Act; providing certain limited conditions under which sales may be made not in violation of this Act; providing for the punishment of two or more persons whether engaged in retail or wholesale business should they conspire or agree to dictate or control the price at which goods, wares or merchandise shall be sold at retail or wholesale, in this State, by the passage and operation of this Act; declaring the purpose of the Legislature in passing this Act; providing a savings clause; and declaring an emergency."

To Committee on State Affairs.

By Senator Lemens:

S. B. No. 209, A bill to be entitled "An Act to amend Section 19 of S. B. 111, Chapter 61, page 100, Acts Second Called Session of the Forty-first Legislature, and to add Section 38-c to Section 38, providing the manner in which building and loan associations organized under the laws of this State may make loans, advance credit and

purchase obligations with respect to the buildings, making of alterations, repairs and improvements of residential properties in 'defense housing areas' when such loans and obligations are secured by a mortgage that is insured against loss by the Federal Housing Administrator under the National Housing Act, approved June 27th, 1934, as amended, and as may hereafter be amended; providing that such associations may make loans, advance credit and purchase obligations representing loans and advances of credit for the purpose of financing alterations, repairs and improvements upon or in connection with existing structures upon urban and suburban real property, by the owners thereof or by lessees of such real property where the association is insured against loss that it may sustain as a result of such loans, advances of credit, and purchase of obligations under the provisions of Title 1 of the National Housing Act, approved June 27th, 1934, as amended, and as may hereafter be amended, and subject to the rules and regulations that may now or hereafter be prescribed by the Federal Housing Administrator; providing such building and loan associations may purchase the fee simple title to real property upon which improvements have been erected out of the proceeds of a loan which is secured by an obligation and mortgage authorized, created and insured under the provisions of the National Housing Act, approved June 27th, 1934, as amended and as may hereafter be amended, provided that at the time of such purchase there is a valid lease in effect creating a leasehold interest in such land and improvements thereon, which lease has a term of at least twenty (20) years to run from the date of the note; providing that no law of this State in conflict with the provisions of this Act shall be deemed to apply to loans, advances of credit, or purchase of obligations made pursuant to the authority granted under this Act, nor to the purchase of the fee simple title as provided herein; providing that the Banking Commissioner of Texas may prescribe additional regulations with respect to making loans, advancing of credit and the purchase of obligations, and real property, if, in his judgment, the protection of investors requires such additional regulations; providing for notice in such event;

providing when his regulations shall take effect; etc.; and declaring an emergency."

To Committee on Banking.

By Senator Lovelady:

S. B. No. 210, A bill to be entitled "An Act to amend Section 2 of Chapter 501, page 1346, of the Acts of the Regular Session of the Forty-fifth Legislature, and making it unlawful for any dentist to obtain business in connection with the practice of dentistry by employing 'cappers' or 'steerers'; making it unlawful to do certain other things prohibited in this Act in connection with the practice of dentistry even though fraud is not used in connection therewith; and declaring an emergency."

To Committee on State Affairs.

#### Senate Joint Resolution on First Reading

The following joint resolution was introduced, read first time and referred by the President to the Committee on Constitutional Amendments:

By Senator Hazlewood:

S. J. R. No. 7, Proposing an amendment to Section 24 of Article 3 of the Constitution of the State of Texas, providing that members of the Senate of the State of Texas shall receive a salary of Thirty-six Hundred (\$3600) Dollars per annum, and the members of the House of Representatives of the State of Texas shall receive a salary of Twenty-four Hundred (\$2400) Dollars per annum; the members of such Legislature shall be subject to call at anytime and shall be entitled to mileage at the rate of five (5c) cents per mile for each mile traveled coming to and going from the seat of government; providing for an election on the question of adoption or rejection of such amendment, and making an appropriation therefor; providing for the proclamation and publication therefor and prescribing the form of ballot.

#### Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 50, Providing for a joint session on Thursday, February 27, 1941, at 10:15 o'clock a. m., for the purpose of hearing a message by Governor W. Lee O'Daniel.

H. C. R. No. 49, Permitting both Houses to adjourn from Thursday, February 27, 1941, to Monday, March 3, 1941.

The House has passed the following bill with amendments:

S. B. No. 129, A bill to be entitled "An Act amending H. B. No. 704, passed at the Regular Session of the Forty-fourth Legislature, being Chapter 132, page 364, of the General Laws of the Forty-fourth Legislature, Regular Session, Sections 1 and 7, also known as Article 1269j of Vernon's Texas Statutes, to provide for condemning land in fee simple for the purpose of acquiring necessary lands to construct airports thereon and other buildings or structures to be used in connection with such airports for the purpose of building and assembling various types of aircraft, and to authorize the sale or lease of such property to the Government of the United States for present or future national defense programs; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Committee Report on House Bill 399

Senator Smith, by unanimous consent, submitted at this time the following report of the Committee on Towns and City Corporations:

Committee Room,  
Austin, Texas,  
February 29, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was re-referred

H. B. No. 399,

Have had the same under consideration, and beg to again report back the same to the Senate with the recommendation that it do pass and be not printed.

HILL, Chairman.



**House Bill 399 on Second Reading**

Senator Smith moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 399 at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

Absent—Excused

Metcalfe	Winfield
Spears	

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 399 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 399, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue two classes of refunding bonds, providing the methods of paying and securing such bonds, enacting other provisions relating to the subject, making this Act cumulative of other laws, providing that it shall take precedence over other laws general or special, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 399 on Third Reading**

Senator Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 399 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Brownlee
Beck	Chadick

Cotten	Mauritz
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	York

Absent—Excused

Metcalfe	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

Absent—Excused

Metcalfe	Winfield
Spears	

**House Concurrent Resolution 50**

By unanimous consent, the President laid before the Senate for consideration at this time (the resolution having been received from the House today):

H. C. R. No. 50, Providing for a joint session of the Legislature to hear a message by the Governor.

The resolution was read and was adopted.

**Joint Session**

(To Hear Messages by Governor)

In accordance with the provisions of H. C. R. No. 50, the Senate repaired to the Hall of the House of Representatives at 11:20 o'clock a. m., to hear a message by the Governor.



The Honorable Senators were announced at the Hall of the House and were duly admitted and escorted to seats prepared for them along the center aisle.

On invitation of the Speaker, the President occupied a seat at the Speaker's desk.

Governor W. Lee O'Daniel was admitted to the Hall and escorted to a seat on the Speaker's rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

The Speaker called the House to order and announced a quorum of the House present.

The Speaker announced that the two Houses were in joint session to hear a message by the Governor, and presented Representative Turner, who in turn presented Governor W. Lee O'Daniel to the joint session.

Governor O'Daniel then delivered to the Legislature the following messages:

Austin, Texas  
February 27, 1941

To the Members of the Forty-Seventh Legislature:

When I became Governor of this State, I started looking through the records of the various State institutions. One of the items that particularly astonished me was the cost of operating the Prison System. It seemed incredible that it should cost the taxpayers of Texas \$1,500,000 each year to operate the Prison System.

I called in some experienced farmers, and asked them whether they thought they could make a profit if somebody would turn over to them about 70,000 acres of the most fertile farm land in the State, free of debt, and free of taxes of all kind, and in addition to that would furnish them all the machinery needed and all the men needed to do the work, with no wages at all, except board and room and clothes. I then consulted some business men, and asked them whether they thought they could make a profit, if somebody would turn over to them enough factories to manufacture all the goods that the State of Texas was buying, with no investment at all, and no taxes of any kind to pay, and all the men needed to operate the factories, without pay-

ing any wages, except board, room and clothes, and then gave them orders for everything the state purchases, at the price the state pays. Well, the answers were that they would like to have such an offer, and they believed they could make at least a million dollars per year profit.

That is the same set-up the State of Texas has, and instead of making a million dollars per year profit, it is costing the taxpayers of Texas One and One-half Million Dollars per year to operate this Prison System.

I next decided to approach the problem from another angle, so I discussed the matter with the Chairman of the Texas Prison Board, and with the President of the A. & M. College, with the result that a joint meeting of the two Boards was called at College Station on October 19, 1940. At this meeting I pointed out that the Prison System was engaged in farming and manufacturing, but such operations were costing the taxpayers One and One-half Million Dollars annually, and that the A. & M. College, another division of our State Government supported by taxpayers' money was engaged in the business of research and development in farming and manufacturing, and suggested that the A. & M. College make an economic survey of the Prison System to see whether they could offer recommendations for changing our methods at the Prison System to make it more modern and more nearly self-supporting.

The boards of both institutions heartily approved of the idea, and at the request of the Prison Board, the A. & M. experts made a complete survey of the whole Prison System, and submitted their report and recommendations at another joint meeting on December 23rd, 1940.

These reports of the A. & M. College in detail are quite exhaustive, but I shall be glad to make them available to any member of the Legislature who desires to study them.

After carefully studying the reports and recommendations of the A. & M. College, the Prison Board at their meeting of January 13, 1941, adopted some of their recommendations and in order to put the recommendations into operation, they prepared five bills which I am pleased to attach hereto. I trust you will

give these recommendations, and these bills, your most careful consideration. I submit all of them to you as emergency legislation because they are intended to help reduce the amount of One and One-half Million Dollars annual cost of operating the Prison System.

I would particularly call your attention to one statement contained in one of the reports by Dean Gilchrist of the A. & M. College, reading as follows:

"We believe that with capable, non-political control and wise judgment the Prison System can be made self-sustaining."

Inasmuch as that statement has been made by a capable and thoroughly informed expert after a careful study and survey, it appears to me that it is a challenge to the Members of the Prison System, but certainly we cannot expect them to bring about this great improvement, unless we give them the legal authority they ask for in these five bills which they have asked you to pass.

Our Board of Education is spending around One and One-half Million Dollars each year for school text books, when these books might just as well be printed in the Prison at a fraction of this cost. The argument has been advanced that these text books cannot be printed by our Prison System because the books are copyrighted. To overcome this imaginary obstacle I want to suggest that we have right here in Texas many very capable and talented citizens who have put in their lifetime in educational work and who I believe are capable of writing text books just as good or better than text books written by people in any other part of the world. I, for one, am of the opinion that our Texas boys and girls will be better educated if they study books written by our own Texas citizens in preference to some of the books written by people from other places. If the Board of Education would offer prizes for the best books covering every phase of our public school education, and obtain the copyrights on the books selected as prize winners, I am inclined to believe that we would see a great improvement in the text books of this State. Then by this process, the State would own the copyrights, and could therefore print

our own books with prison labor at a fraction of the present cost. This policy of the State Prison doing printing for the State, or manufacturing articles for State use exclusively, is so sound that it has been approved by one of the leading labor unions. They express no opposition to State Prison labor being used, unless it is to manufacture goods for sale to the public.

In giving this commercial aspect of the Prison System consideration, I was impressed with the sincere consideration the Members of the Prison Board gave to the matter of the welfare of the prisoners, the protection of the public, and the rehabilitation of the prisoners. To drive hordes of men to farm drudgery when they are better fitted for factory work, does not improve their morale, their health, or their rehabilitation rating. To force men who like to farm to use antiquated tools and methods, when modern farming outside the prison today is done by tractors and improved machinery does not improve the morale, or health of these men, and does not prepare them to pursue modern farm work after they are released. Therefore, to modernize our farming, and our shops in the prison system will not only help reduce the cost of operating the prison system, but it will help improve the morale, and state of mind, and health, and hopes of those men, and serve to make them better men after they have paid the price for their mistakes and are returned to the society of free men.

I earnestly solicit your careful consideration of this most important problem.

Respectfully submitted,

W. LEE O'DANIEL  
Governor of Texas.

Austin, Texas,  
February 27, 1941

To the Members of the Forty-Seventh Legislature:

In my message to the Members of the Forty-seventh Legislature, January 16th, 1941, I stated that I would deliver later a special message to you dealing with the problems of agriculture, and this I shall now do.

Before I became Governor of Texas I broadcast daily for many years,

advocating the development of Texas industry and Texas agriculture. I have carried this work right with me into the Governor's Office, and we are beginning to see some fruits of our labors. More than One Hundred Million Dollars worth of new industries, both large and small have been established in Texas during the past two years, exclusive of the enormous development caused by the National Defense Program. It is my honest opinion that we have only scratched the surface of Industrial Development, and that Texas is destined to become the greatest Industrial State in the Union.

Along with this industrial growth will come tremendous gains and advantages to Agriculture, by virtue of increased markets to enlarge industrial populations gainfully employed and through the development of further uses, here at home, for our raw materials. But there are other greater gains and advantages which can accrue to agriculture in Texas, if proper attention, planning and constructive effort is given to the matter. It is of this greater development of Texas agriculture that I desire to address you today.

There are some states in this Union that are primarily industrial, and in which very little can be accomplished agriculturally. Contrariwise, there are some states primarily agricultural, in which there is very little possibility for industrial development. But Texas, fortunately, has a distinct advantage over these other states in that Texas has all the basic essentials for a full and completely balanced development of both Industry and Agriculture.

Here in Texas, from our forests and level terrain of East Texas where timber and all kinds of vegetables grow, to our high plateaus of West Texas, where the richest of small grains ripen in the clear sun-kissed air; southward to the Magic Valley, where the most delicious of citrus fruit is grown in abundance, and on over seacoast, plains, mountains and valleys, we find a variety of soil, both irrigated and watered, with generous rainfall which will produce almost every kind of grain and vegetable plants known to man. Also, in this vast expanse of fairyland, there is found the natural habitat for almost every kind of tame or wild animals and fowl. Fish, and other

sea food are found in abundance in our limitless salt water and in our numerous and enormous lakes and streams. All this but faintly describes our One Hundred and Seventy Million acre "Garden of Eden." Add to this the most mild and healthful open all-year-round climate to be found anywhere in the world, and on top of all of it, consider our strategic and centrally-located position on the map of the United States for domestic distribution of our products, and our great seaports on the calm open-year-around Gulf of Mexico for foreign distribution of our products, when world destruction ends and world rebuilding and development starts, and you have a most inspiring picture of an ideal State and that State is Texas. To this picture must be added the creative mind of man, and the guiding hand of genius. God has most certainly done His part. Man has made a feeble effort to develop this place. Politics has laid its cold, slimy hands on this treasure, and has slowed the wheels of progress to a snail-pace. This Forty-seventh Texas Legislature has the opportunity of a lifetime to place agriculture in Texas on a pedestal and to cause the Lone Star of Texas to shine with a brilliance that will be clearly visible around the world.

I shall now try to paint the picture of what I believe should be done to place agriculture in Texas in its rightful place. By Agricultural Development I mean to include livestock raising, poultry raising, dairying, as well as the development and expansion of grain production, fruit and vegetable raising, forestry, shrubbery and flower cultivation, and everything pertaining to the soil and water of our State, as well as the propagation and protection of wild life, and the protection of our soil from erosion by water or wind, and all other problems related to our agricultural domain.

I am persuaded that regardless of the industrial development which comes to Texas, agriculture, when taken in its broadest sense, will remain one of our most important industries, and it will be fortunate for the State if such is the case because it is a well established fact that, throughout this whole nation, the people who live on the farms

and ranches, these people who produce the food to feed the nation, are not only engaged in the most essential industry that we have, but they have always been the backbone of the sound, conservative sentiment of this nation.

At this time when we are seeking throughout the land to promote national defense, we proceed with confidence and certainly that while the Fifth Columnists may invade our cities to some extent, while the racketeers may gain a foothold, as they have already done in some of our cities, we can rely with confidence on the fact that the great agricultural population of this State will always be the balance wheel for sound government as well as for sound policies of finance. There is, therefore, something to be gained in addition to the mere making of dollars and when the State Government or when the Federal Government aids the farmers, ranchmen and the fruit and vegetable growers of this nation. We are not only advancing the interests of a fundamental, essential industry, but at the same time we are promoting a stable citizenship.

It is not necessary for me to enumerate all of the difficulties under which those engaged in agricultural pursuits are now laboring. It is a well known fact and an accepted fact that because of the very nature of those engaged in agriculture, because of their independence of mind and thought, they have never sought nor have they ever received from government the same consideration that has been received by many well-organized minorities within this nation. And it is gratifying to see that throughout this broad land today the farmers, the ranchmen, and the fruit and vegetable growers are waking up to the fact that it is necessary for them to begin to fight their own battles to the end that they may receive from government not special favors, but fair treatment.

Since I assumed the office of Governor I have traveled over most of this State; I have talked with farmers; I have talked with fruit and vegetable growers; and I think I know something about what they would like for the State of Texas to do to assist them in meeting the problems which they have before them.

Sometime ago, in my efforts to promote industrial development throughout this State, I called upon local public officials to appoint committees in the various counties, cities and towns who would be willing to aid in the problems which arise from day to day in promoting a sound industrial development of this State. These committees were appointed and at a later time I should like to make available to the Legislature somewhat in detail an account of the tremendous services which these committees are now rendering, and which they have rendered in advancing this industrial program of Texas. Not long ago, I wrote to the members of these committees and I told them I was very much interested in finding out just what the farmers—and by farmers, I mean the real dirt farmers, not the political farmers—of Texas felt that the State could do which would be helpful to them in handling their problems. I asked them to give me the names of a number of real dirt farmers in their communities, men who were making their living on the farm, both land owners and tenants; and I received over twenty-five thousand names. I wrote a letter to those twenty-five thousand farmers as follows: "Dear Sir: The Texas Legislature will soon convene, and the lobbyists and professional politicians will be swarming around here trying to get special legislation to benefit their various interests, but I do not know of any of them trying to help the farmers. I mean the farmers who actually milk the cows and slop the hogs and feed the chickens and plow the ground . . . It is my sincere desire to have this State perform some service that will be beneficial to the farmers of Texas, and I intend to send them a message asking for some constructive legislation. Before completing this message, and sending it to the Legislature I would like to hear from you and get your views, as a real farmer . . . I wish you would turn this sheet of paper over, and write me what, if anything, the Texas State Government has ever done to help you as a farmer, and also state what you think this State of Texas can do to help you as a farmer, and mail your reply to me in the enclosed self-addressed, stamped envelope . . . In making reply please do not say anything at all about

what the United States Government has done but confine your remarks to what the Texas State Government has done to help you in your farming business, if anything. Also what you believe the Texas State Government could or should do to help you . . . Please try to answer this by return mail, and with best personal regards, I beg to remain . . . " I have received thousands of letters in reply, and most of these letters I have received were not written on a typewriter; they were written on tablet paper with a pencil. They were sincere letters and out of these letters came many helpful suggestions. It would, of course, be cumbersome to include in this message this vast flood of replies; but I was impressed with this fact, that while generally speaking, the farmers and ranchmen of Texas are not asking for any hand-out, they do want the facilities of the State to be made available to them immediately to help them solve many of their problems. One thought seemed to be expressed more often than any other and it was that nothing would ever be done for the farmers that would be of lasting value to the State until the control of the program is put in the hands of farmers.

In this connection, I have been very much impressed with the necessity for doing just that thing, that is, putting the control of the farm program in the hands of the farmers. During the past two years, I have discussed this theory with farmers all over Texas where I have had an opportunity to talk of it and I find that uniformly they believe that if any really useful service is to be rendered the farmers of this State, it will have to come by putting the control and administration of the agricultural program in the hands of the real dirt farmers, ranchmen, and fruit and vegetable growers of this State, because they are the people who know what the problem is and they are the people, if you will give them an opportunity with adequate support from the State, who will be able to do something about it. I do not think I know, I do not think the members of the Legislature really know, what all of the problems of agriculture are and if we knew what all those problems were today, we would not know what they were going

to be next month, or next year, or two years from now. Therefore, if the State Government is actually to serve the farming class of Texas, we are going to have to put the control of agriculture in the hands of farmers so that the whole administration will be sympathetic to the pressing and continually changing needs of the agricultural class, and in order that it will be responsive to all other needs as they may develop.

Last year the Legislature passed a soil conservation bill and I have heard one phase of that bill commented upon more favorably than any other phase, and that is the plan of control which was set up. You will recall that in the soil conservation bill (Chapter 3, Acts of the Regular Session, Forty-sixth Legislature) a State Soil Conservation Board was established, to consist of five members, and the State was divided into five districts. A member of the Board was elected from each of the five districts. The law provided that the Commissioners Court of each county within thirty days after the Act became effective, should call a convention of land owners in each precinct and the majority of the land owners attending the convention would elect a member of the County Soil Conservation Advisory Committee; then each County Soil Conservation Committee would elect a delegate to attend the State District Conservation Convention and at this Convention a majority of the delegates would elect a member of the State Soil Conservation Board.

Now, in my judgment, you have here a pattern which has the approval of the Department of Agriculture in Washington, and one which has proved workable here in this State. Under the plan of selecting the Soil Conservation Committee, only land owners in the various precincts were permitted to vote. But, in setting up a plan to control the whole agricultural structure, it would be necessary to permit all farmers, ranchmen, dairymen, poultry raisers, fruit and vegetable growers to vote in these elections regardless of whether they were or were not land owners because you would be dealing with a problem in which all would have a mutual interest. It would also be necessary to have more districts in the State in order

that there might be more complete representation.

Obviously, the present system of State control of agriculture does not leave the control actually in the hands of the farmers of this State. Thousands upon thousands of the citizens of Texas who live in the cities vote for the chief agricultural officer—the Commissioner of Agriculture—and it is needless to say that most of the people who live in the cities know but little, if anything, of the problems of agriculture. Another thing is true, the office is right in the middle of State politics. Being a good hand-shaker is a far better qualification for getting elected Commissioner of Agriculture, than knowing the agricultural problems of the State. Of course, under the present system, the State may accidentally get a very competent commissioner, but when it does, it is in spite of the system rather than because of it.

We hear a great deal of talk about the necessity for combining the various departments of the State Government, and I think it is a well established fact that whenever departments of government can be combined and put under one coordinating management, the State's money will be saved, and, at the same time, better service will be rendered. And I believe that consolidations when made, should be made on the principle of building together, in one coordinating management, those departments dealing primarily with closely related problems.

After giving this matter the most careful thought and attention, after talking to farmers from every section of this State, and after reading the thousands of letters which I have received, I have reached the conclusion that you could improve the service to agriculture in Texas by combining a number of governmental agencies which deal directly with problems essential to agriculture and I recommend that the following agencies as they now exist be abolished: State Department of Agriculture, State Board of Water Engineers, Livestock Sanitary Commission, Game, Fish and Oyster Commission, and the Soil Conservation Board, and that all of the duties now performed by all of these agencies be placed in the hands of a five member "State Board of Agricul-

ture," to be selected as hereinafter suggested. At the last session of the Legislature we transferred to the State Land Office certain phases of the work being done by the State Board of Reclamation Engineers. I think that such of this work as is essential should be returned to the control of the State Board of Agriculture.

Now as for the method of selecting the Members for this State Board of Agriculture, I believe that the State should be divided into a convenient number of districts. Probably the thirty-one senatorial districts would be satisfactory. The bill should provide for each county to hold conventions in each of the commissioner precincts and each precinct elect a Member to the County Agricultural Advisory Board. Then this County Agricultural Advisory Board should elect one representative to attend the district meeting and at the district meeting there should be elected a member of a "State Agricultural Advisory Board." Then the thirty-one members of the State Agricultural Advisory Board should select five members who would compose the "State Board of Agriculture." Those five members should be paid a per diem basis plus actual traveling expenses. The most important duty which should be assigned to this State Board of Agriculture would be that of formulating policies and selecting a Commissioner of Agriculture, charged with the responsibility of serving as the executive officer of the Board. The law should provide for the following departments within the State Board of Agriculture: Livestock Sanitary Department; Game, Fish, and Oyster Department; Reclamation and Conservation Department; and other departments as deemed necessary by the State Board of Agriculture, and the heads of these departments should be named by the Commissioner of Agriculture, subject to confirmation of the State Board of Agriculture.

Certainly there can be no question that the Livestock Sanitary Commission work belongs in the department of agriculture.

I am certain that if any effective work is ever done to develop the tremendous possibilities which Texas has, to restore wild life in this State, it is going to be done only by close cooperation with the people who own

the land on which we hope to promote the restoration of game and fish. I am thoroughly out of sympathy with the present plan, regardless of who executes the plan, because as I see it, it has been an almost total failure. I do believe that in transferring this Game, Fish and Oyster work to the control of an agricultural board, that the law should provide that all of the revenue now coming to that department and that all revenue which may be made available in the future through the collection of fees shall be used exclusively for the purpose of conserving and developing fish and game within the State, because it would obviously be unfair to levy fees on the sportsman of this State for this purpose and then use the money for some other purpose. Furthermore, I think that the law which provides for the collection of fees should be so amended as to make available more revenue to this department. I think any man should be free to hunt on his own land with or without a license, so long as he hunts only during the legal seasons, but I think a fee of at least three dollars should be required for any man who desires to hunt all over the county, and I think a fee of at least ten dollars should be required of those who desire to hunt outside of their county and probably fifty or a hundred dollars for those who come in from outside the State.

I have talked to many people who hunt and fish, and I find that all agree they would rather pay a reasonable fee and have something to hunt and an opportunity to catch some fish, than to be allowed to walk themselves to death free and not find anything but a game warden. Under the present law it looks to me as if all we are doing is hiring a whole army of game wardens to protect game that does not exist.

Another thing that I think should be done is that instead of the Legislature passing hundreds upon hundreds of game laws, the power should be placed in the hands of the State Board of Agriculture, on recommendation of the head of the Game, Fish and Oyster Department, to pass regulations which will control the hunting privileges in the various counties. It is essential that authority to make these rules be such that will per-

mit frequent and quick changes as conditions demand.

I am fully convinced that the natural terrain and climate and variety of natural abodes for all kinds of wild life make Texas a place that can be transformed into a sportsman's paradise, unequaled anywhere in the Nation, bringing thrills to the sportsmen and providing an added source of income for our farmers on whose land and water the wild game must live and feed. But this cannot be accomplished by a group of millionaire sportsmen politicians who want to cause the large ranches to bloom in wild life splendor at State's expense, while the little farms and ranches are ignored. This is a farm problem wherein all farmers, both large and small, must take part in the control if it is to succeed.

And there is another thing which I think should be done. I think Texas agriculture is of sufficient importance to justify a dignified home of its own,—a home of substantial proportions. I think an agricultural building, costing around \$350,000.00, including equipment, to house all of these activities should be built at College Station, Texas, so that the State Board of Agriculture could work in the closest cooperation with the Texas A. & M. College and where farmers who visit the State Board of Agriculture would have the opportunity of contacting those who head our A. & M. College. I think, furthermore, that, in the summer classes which A. & M. College has for farmers, ranchmen, and fruit growers, it would be a wonderful opportunity to bring the State Board of Agriculture in closer touch with the farming element of the State, and, last but not least, it would get this department out of the political atmosphere of the State Capitol. I think this building should be provided as soon as this program is adopted. I do not mean by this that there should be any connection whatever between the control of the A. & M. College and the State Board of Agriculture. On the contrary, they should be entirely separate, but they should be so located as to bring about the closest possible cooperation.

I recommend that with the enactment of this suggested legislation an appropriation be made for a reason-



able amount to carry on the essential work. The Boards recommended in this message to be abolished spent \$1,795,940.31 during the last fiscal year ending August 31, 1940, which is on the basis of \$3,591,881.02 for the biennium. I believe much less than this amount will be required under this suggested consolidation, and that much more effective service can be rendered.

In reading these thousands of letters and in talking with many real dirt farmers, I am impressed with the large variety of comparatively small problems which confront certain groups and certain localities and even during certain unusual seasons problems which could be adjusted by rules of a State Board of Agriculture, but which would be difficult to handle by the enactment of laws two years in advance of the knowledge that such problems would occur. The set-up of a Board of this nature would also bring together in the proper manner the real dirt farmers of this State, not only to solve their comparatively small problems, and problems of temporary or changing varieties, but would also enable them to formulate collectively plans of greater importance affecting the whole State and present these greater problems to the Legislature each two years for consideration by this body. This, I believe, would be constructive and certainly reverse the policy now in force where political farmers set themselves up as lobbyists and sell their services to the farmers, or farm groups. This present system is what might be termed getting the cart before the horse. I believe in the principle that farming in all its various branches, including the political part, should originate at the grass roots. I believe this plan, put into effect and honestly conducted and administered by dirt farmers themselves, will bring about this condition.

I hope that during this session the Legislature will be able to give this matter deliberate consideration. For the convenience of the Legislature, I attach to this message a bill which, in my judgment, if enacted into law, will accomplish this purpose.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

At the conclusion of the Governor's delivery of the messages, the Senate retired to its Chamber.

### In the Senate

The President called the Senate to order at 11:05 o'clock a. m.

### Senate Resolution 47

Senator Cotten offered the following resolution:

S. R. No. 47, Relative to holiday for State employees on March 3, 1941.

Whereas, March 2nd, Texas Independence Day, falls on the Sabbath; and

Whereas, It has been the custom and practice to grant to employees of the State Departments and Boards the Monday immediately following as a holiday; and

Whereas, The banks and other institutions are taking Monday as a holiday; now, therefore, be it

Resolved by the Senate of Texas, That the Senate of Texas recommends that the various State Departments and Boards grant to their employees, Monday, March 3rd, as a legal holiday.

COTTEN,  
LOVELADY,  
HAZLEWOOD,  
KELLEY.

The resolution was read and was transmitted to the President's table.

### Senate Resolution 48

Senator Smith offered the following resolution:

S. R. No. 48, Memorializing Congress to enact legislation to prevent strikes in war defense industries.

Whereas, The Nation faces at this time a crisis of the utmost gravity in preparing itself for defense against powerful foreign foes who threaten its freedom as a people and its prestige and position as a world power; and

Whereas, In this great effort to effect within the shortest possible time adequate and proper means of defense it is essential that unity of purpose and harmony of action and enterprise prevail among all our people to the end that no discord and dissension shall disturb us; and

Whereas, In modern war it is imperative that our industries operate smoothly and without interruption in the production of the implements of defense, and that any such interrup-

tion imperils our safety and gives hope and comfort to the common enemy; and

Whereas, We have in training now more than 1,000,000 young men, thousands who have been drafted to such service, and who are dependent upon the speed of our industries for equipment and material to properly function as an army of defense; and

Whereas, There are grave tendencies on the part of certain labor groups and certain employer groups to bicker and engage in controversies which have resulted in many strikes and which threaten many others creating confusion in the defense industries and causing delay in production of war material to such an extent that the safety of the nation is imperiled, and to the further extent that the whole national defense program is endangered; therefore, be it

Resolved, That it is the sense of the Senate of the State of Texas, that labor controversies and strikes arising therefrom in any war industry or transportation system give aid and comfort to our enemies, and wittingly or unwittingly, hinder our own country in its effort to prepare itself against threatened attack; and, be it further

Resolved, That the Senate of the State of Texas respectfully memorialize the Congress of the United States to enact legislation designed to substitute mediation and arbitration as a mandatory means of settling labor disputes in lieu of strikes and lock-outs during the period of the present emergency, to the end that hindrance and delay in the production of the materials necessary to our defense may be avoided; that such legislation provide for the preservation of any right which either employee or employer may assert in all controversies concerning wages, hours, or any other matters of difference; and, be it further

Resolved, That a copy of this resolution be forwarded to the Vice President of the United States, the Speaker of the House of Representatives of the United States, to each of the United States Senators from Texas, and to each of our twenty Congressmen.

The resolution was read and was transmitted to the President's table.

## Senate Concurrent Resolution 27

Senator Brownlee offered the following resolution:

S. C. R. No. 27, Providing for a committee to investigate feasibility of fireproofing the Capitol.

Whereas, The State Capitol Building represents an investment of the people of Texas of many millions of dollars; and it contains records and documents which are priceless and irreplaceable if destroyed; and which are worth an amount so great that their value could not be estimated in money, but which if destroyed would deprive future generations of historic archives, which preserve the history and traditions of this State and the Republic of Texas; and no insurance can be obtained upon the same at any price; and

Whereas, Much of the construction of said Capitol Building is of wood and other materials easily destroyed by fire, and said building as a whole could be easily destroyed, and it is impractical to obtain and pay for fire insurance on said building; now, therefore, be it

Resolved by the Senate and the House of Representatives concurring, That a committee of six be appointed, consisting of three members of the Senate, to be appointed by the Lieutenant-Governor, and three members of the House of Representatives, to be appointed by the Speaker thereof, to investigate the feasibility and probable cost of fireproofing said Capitol Building, and such other recommendations as said committee may deem proper, and to report back to both houses the findings and recommendations of said committee within thirty days from the effective date of this resolution.

The resolution was read and was transmitted to the President's table.

## Reports of Committee on House Bill 394

Senator Smith, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Committee Room,  
Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 394, A bill to be entitled "An Act to repeal Chapter 71, H. B.

No. 84, Acts of the Regular Session of the Forty-sixth Legislature, prohibiting the use of seines, nets, or other devices for catching fish or shrimp, with exceptions, in or on the waters of Matagorda Bay from the Colorado River to its easternmost end; and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

#### Signing of Bills and Resolution

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

S. B. No. 19, A bill to be entitled "An Act to amend H. B. No. 30, Chapter 4, Acts of 1933, First Called Session, Forty-third Legislature, as amended by H. B. No. 122, Chapter 387, Acts of 1935, First Called Session, Forty-fourth Legislature, as amended by H. B. No. 54, Chapter 510, Acts of 1936, Forty-fourth Legislature, Third Called Session, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency and providing the Act shall take effect from and after its passage."

S. B. No. 28, A bill to be entitled "An Act to repeal the Bosque County Fishing Law, being Chapter 43, page 792, H. B. No. 957, in the special laws of the Forty-sixth Legislature; and declaring an emergency."

S. B. No. 101, A bill to be entitled "An Act amending H. B. No. 438, Regular Session, Forty-sixth Legislature, with reference to the employment of a stenographer or clerk by the county judge of certain counties so as to make the Act applicable in counties having a population of not more than seven thousand, eight hundred (7,800) and not less than seven thousand, seven hundred (7,700), and in counties of not more than thirteen thousand, two hundred ninety-nine (13,299) and not less than thirteen thousand, one hundred ninety-nine (13,199) inhabitants, according to the last preceding Federal Census; fixing salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

S. B. No. 104, A bill to be entitled "An Act authorizing the appointment by the district attorney or criminal district attorney of assistants and a stenographer in judicial districts composed of and confined to one county only and in which judicial district and county the population as determined by the last preceding Federal Census is not less than fifty thousand, five hundred (50,500) and not more than fifty-five thousand (55,000) inhabitants and in which said judicial district and county the tax value exceeds Seventy Million (\$70,000,000) Dollars according to the last approved tax roll, fixing the compensation of said assistants and the stenographer and providing for the manner in which same shall be paid; and declaring an emergency."

H. B. No. 386, A bill to be entitled "An Act amending Section 3 of H. B. No. 12 of the Second Called Session of the Forty-second Legislature, so as to remove the prohibition against catching or taking fish from the waters of Lake Waco and the Bosque Rivers and their tributaries in the Counties of McLennan, Bosque and Hamilton, during the month of February; and declaring an emergency."

H. B. No. 399, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue two classes of refunding bonds, providing the methods of paying and securing such bonds, enacting other provisions relating to the subject, making this Act cumulative of other laws, providing that it shall take precedence over other laws general or special, and all charter provisions in conflict or inconsistent herewith, and declaring an emergency."

H. C. R. No. 50, Providing for a joint session of the Legislature to hear a message by the Governor.

#### Messages from the House

A Clerk of the House was recognized to present the following messages:

Hall of the House of Representatives,  
Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate

amendments to H. B. No. 83, and requests appointment of Conference Committee. The following are conferees on the part of the House: Messrs. Lyle, Smith of Atascosa, Lansberry, Gilmer and Spangler.

The House has concurred in Senate amendments to H. B. No. 216 by a vote of 109 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 97 by a vote of 111 yeas, 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### House Concurrent Resolution 49

The President laid before the Senate, for consideration at this time:

H. C. R. No. 49, Authorizing the Senate and/or House to adjourn from Thursday, February 27, 1941, to Monday, March 3, 1941.

The resolution was read and was adopted.

#### Record of Vote

Senator Hill asked to be recorded as voting "nay" on the resolution.

#### Senate Resolution 47

The President laid before the Senate for consideration at this time (the resolution having been offered today during the morning call):

S. R. No. 47, Relating to granting of holiday to State employees on March 3, 1941.

The resolution was adopted by the following vote:

#### Yeas—22

Brownlee	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Moffett
Graves	Ramsey
Hazlewood	Shivers
Hill	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

#### Nays—6

Aikin	Moore
Beck	Smith
Chadick	Sulak

#### Absent—Excused

Metcalfe	Winfield
Spears	

#### Senate Concurrent Resolution 27

On motion of Senator Brownlee and by unanimous consent, it was agreed that S. C. R. No. 27 be considered at this time.

The President laid before the Senate for consideration at this time:

S. C. R. No. 27, Relating to fire-proofing of Capitol.

The resolution was adopted.

#### Conference Committee on House Bill 83

Senator Moffett called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 83.

Senator Moffett moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Kelley, Metcalfe, Weinert, Moffett and Chadick.

#### House Bill 207 on Second Reading

Senator Formby moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 207 at this time.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

#### Absent—Excused

Metcalfe	Winfield
Spears	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 207, A bill to be entitled "An Act validating certain County

Line Independent School Districts; providing for the continuance in office of the Board of Trustees of such County Line Independent School Districts as same existed immediately prior to increasing the area of such districts, until the expiration of the respective terms of the members thereof, and providing that their successors shall be elected as provided by the General Laws for the election of trustees in County Line Independent School Districts incorporated for school purposes only; providing for the validating of all acts of the Board of Trustees of any such County Line Independent School District in connection with the ordering of an election or elections and declaring the results thereof, and in attempting or purporting to levy taxes for and on behalf of such County Line Independent School District with its increased area and providing for the validating of all contracts and other acts of such Board of Trustees, otherwise legal, heretofore made on behalf of such district with increased territory; providing that nothing in this Act shall in any wise affect any local maintenance tax or taxes for bonded purposes heretofore voted on any part of the territory included within the bounds of any such County Line Independent School District within the increased area; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 207 on Third Reading

Senator Formby moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 207 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith

Stone	Vick
Sulak	Weinert
Van Zandt	York

Absent—Excused

Metcalfe	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

Absent—Excused

Metcalfe	Winfield
Spears	

#### House Bill 394 on Second Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 394 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

Absent—Excused

Metcalfe	Winfield
Spears	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 394, A bill to be entitled "An Act to repeal Chapter 71, H. B. No. 84, Acts of the Regular Session of the Forty-sixth Legislature, prohibiting the use of seines, nets, or other devices for catching fish or shrimp, with exceptions, in or on the waters of Matagorda Bay from the Colorado River to its easternmost end; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 394 on Third Reading

The President then laid H. B. No. 394 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

#### Absent—Excused

Metcalf	Winfield
Spears	

#### Reports of Standing Committee

Senator Lemens, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 127, A bill to be entitled "An Act amending Articles 777 and 779 of the Code of Criminal Procedure of the State of Texas of 1925, defining certain terms; providing for penalties, and repealing all laws and parts of laws in conflict herewith;

providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 131, A bill to be entitled "An Act amending Article 711 of the Code of Criminal Procedure of Texas so as to provide that the granting of a severance is within the discretion of the trial court; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 130, A bill to be entitled "An Act amending Article 183 of the Code of Criminal Procedure of the State of Texas of 1925; providing that the time during which an indictment, information, or complaint has been pending shall not be computed in the period of limitation; defining certain terms, repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 132, A bill to be entitled "An Act requiring any person who

cashes or receives a check or other negotiable instrument from another person whose identity is unknown to him to have the person cashing or passing such instrument place his thumb print or finger prints on the check or other instrument; providing that such thumb print or finger prints shall be deemed in law prima facie evidence of the identity of such person; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Austin, Texas,  
February 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 159, A bill to be entitled "An Act making it unlawful for any person, firm or corporation to operate a dance hall without a license; providing any person, firm or corporation who violates provision of Section 1 of the Act; or operates a dance hall after the license therefor is suspended, cancelled or revoked shall be guilty of a misdemeanor; and fixing the penalty therefor; etc.; providing the provisions of this Act shall be cumulative with laws heretofore existing; and creating an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it pass and be printed.

LEMENS, Chairman.

#### Senate Bill 187 Ordered Printed

On motion of Senator York, S. B. No. 187 was ordered printed.

#### House Bill 69 on Second Reading

Senator Mauritz moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 69 at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Chadick	Graves

Hazlewood	Moore
Hill	Ramsey
Isbell	Shivers
Kelley	Smith
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Moffett	York

#### Absent—Excused

Metcalfe	Winfield
Spears	

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 69 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 69, A bill to be entitled "An Act to amend Section 5, Chapter 136, Acts of the Regular Session of the Thirty-ninth Legislature providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty (50) acre-feet of water for domestic and livestock purposes without securing a permit therefor; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 69 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York



## Absent—Excused

Metcalfe                  Winfield  
Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

## Absent—Excused

Metcalfe                  Winfield  
Spears

## Senate Resolution 48

The President laid before the Senate for consideration at this time (the resolution having been offered today pending the morning call):

S. R. No. 48, Memorializing Congress to enact legislation to prevent strikes and controversies arising therefrom in any war-defense industry or any transportation system.

Question—Shall the resolution be adopted?

## Adjournment

Senator Kelley moved that the Senate adjourn until 10:00 o'clock a. m. Monday, March 3, 1941.

The motion prevailed; and the Senate accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, March 3, 1941.

## Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the motion to adjourn.

## TWENTY-EIGHTH DAY

(Monday, March 3, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 27, 1941 was dispensed with and the Journal was approved.

## Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Aikin:

S. B. No. 211, A bill to be entitled "An Act appropriating the sum of One Million, One Hundred Thirty-two Thousand, One Hundred Eighty-one and 58/100 (\$1,132,181.58) Dollars, per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1941, and ending August 31, 1943, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education, general rehabilitation, and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds, providing for the administration, attaching conditions, regulations,